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Letter dated 28 June 2006 from the Permanent Representative of the Congo to the United Nations addressed to the President of the Security Council

In my capacity as the representative of the current Chairman of the African Union, I have the honour to transmit herewith, in English and French, the report of the Chairperson of the Commission on the Situation in Darfur (see annex I) and the communiqué of the Peace and Security Council at its 58th meeting (see annex II), adopted by the 58th meeting of the Peace and Security Council of the African Union, held in Banjul, at the ministerial level, on 27 June 2006, on the situation in Darfur.

I should be grateful if the present letter and its annexes could be circulated as a document of the Security Council.

(*Signed*) Basile **Ikouebe**
Ambassador
Permanent Representative
Permanent Mission of the Republic of Congo to the United Nations
Representative of the current Chairman of the African Union

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Annex I to the letter dated 28 June 2006 from the Permanent Representative of the Congo to the United Nations addressed to the President of the Security Council

[Original: English and French]

Report of the Chairperson of the Commission on the Situation in Darfur*

I. INTRODUCTION

1. At its 51st meeting held on 15 May 2006, Council reviewed the status of the implementation of some key aspects of its decision of 10 March 2006, as well as the situation in Darfur and the conclusion of the Abuja Peace Talks. At the end of its deliberations, Council, among other decisions:

- endorsed the Darfur Peace Agreement (DPA) signed in Abuja on 5 May 2006 by the Government of the Sudan (GoS) and the Sudan Liberation Movement/Army (SLM/A) of Minni Minawi;
- decided that 16 May 2006 is the effective date for the coming into force of the DPA, and requested the Commission to take all necessary steps, in collaboration with the parties and other stakeholders, to scrupulously implement and follow-up the DPA;
- urged the SLM/A group led by Abdulwahid El Nour and the JEM led by Khalil Ibrahim to sign the DPA by 31st May 2006, failing which it would consider measures, including sanctions, to be applied against the leadership and members of the groups concerned;
- requested the Chairperson of the Commission to submit to it detailed proposals for the enhancement of AMIS in terms of additional troops and civilian police personnel, logistics and overall capacity;
- decided that, in view of the signing of the DPA, concrete steps should be taken to effect the transition from AMIS to a United Nations peacekeeping operation.

2. This report provides an update on the status of the implementation of the DPA, including follow up actions taken at the Commission, efforts made to bring the unwilling parties on board, and some proposals on the way forward. It also contains an update on the security and humanitarian situation in Darfur, as well as on the recent developments regarding the transition to a UN operation.

* PSC/MIN/2(LXVIII).

II. DARFUR PEACE AGREEMENT

a) Engagement with the Parties

3. Following the 51st meeting of Council, I addressed letters to the President of the Sudan and to Minni Minawi of the SLM/A, to congratulate them on the signing of the DPA, to communicate to them their respective obligations under the DPA, and to draw their attention to the need for a rapid and full implementation of the Agreement. In my letter to President Bashir, I underscored, in particular, the necessity for the GoS to initiate the required constitutional procedures to incorporate the DPA into the Interim National Constitution, as envisaged in the Declaration of Principles (DoP) adopted and signed by the parties on 5 July 2005, in Abuja. In general terms, I highlighted to both the GoS and the SLM/A the need to ensure strict implementation of the Comprehensive Ceasefire and Final Security Arrangements, with emphasis on the immediate cessation of hostilities, the release of detainees and child soldiers, the submission of a comprehensive plan for the neutralization and disarmament of the Janjaweed/armed militia and follow-up action to implement the provisions of the Agreement on this issue, as part of the confidence building measures that would create a conducive atmosphere for the progressive implementation of the DPA.

4. The Commissioner for Peace and Security also addressed letters to Abdulwahid El Nour of the SLM/A and to Khalil Ibrahim of JEM, conveying to them the decisions of the Council on the DPA. He underscored the disappointment of Council at their failure to sign the DPA despite all the efforts made by the Mediation, African Leaders and the representatives of the international partners in Abuja, during the final phase of the Peace Talks, and subsequent to the signing of the Agreement on 5 May 2006. He urged the two leaders to make the required decision and sign the DPA by the deadline of 31st May 2006 fixed by Council.

b) Efforts to persuade Abdulwahid El Nur to sign

5. Considerable effort continued to be deployed by the AU and the international partners, including in particular the United States, the United Kingdom and the European Union, to bring Abdulwahid and Khalil on board. Concerning Abdulwahid El Nour, the Special Envoy and Chief Mediator, Salim Ahmed Salim, and other members of the Mediation Team continued to actively engage him even after the signing of the DPA.

6. Furthermore, the First Vice-President of the Sudan and Chairman of the Sudan People's Liberation Movement (SPLM), Lt General Salva Kiir, invited Abdulwahid to a meeting in Yei, Southern Sudan, on 1st June 2006, aimed at bridging bridge the remaining gaps. The meeting was also to be attended by Minni Minawi, with the AU and the US as observers. Unfortunately, only Minni Minawi travelled to Yei. The latest effort to convince Mr Abdulwahid to come on board and sign the DPA was made by the paramount Chief and other Fur tribal leaders, all these attempts failed. It has been reported that Abdulwahid El Nour, Khalil Ibrahim and Khamis Abakar,leader of the group of 19 which splintered from

Abdulwahid during the 7th round of the Peace Talks in Abuja, were organizing themselves to oppose the DPA.

c) **Association of groups and individuals in the SLM/A and JEM with the DPA**

7. Since the signing of the DPA, several individuals and groups from the Abdulwahid group and the JEM have approached the AU at all levels to express their support for the DPA and their readiness to associate themselves with its implementation. The first group of SLM/A, led by Dr. Abdulrahman Moussa, the group's Chief Negotiator during the Abuja Talks, made its request during the signing ceremony in Abuja. Subsequently, another group in the SLM/A, headed by Engineer Ibrahim Maadibo, another leading negotiator in the group, also expressed support for the DPA and their readiness to sign it. In the same vein, a group of JEM political leaders and military commanders from South Darfur came to Addis Ababa on 16 May 2006 to request for the same.

8. In implementing the decision of the PSC, which welcomed the statements by tribal leaders and other groups from Darfur expressing their full and unconditional support for the DPA and its scrupulous implementation, the Commission organized in Addis Ababa, on 8 June 2006, a ceremony during which senior political and military leaders of SLM/A and JEM signed and submitted to the Commissioner for Peace and Security a Declaration of Commitment to the DPA on behalf of their followers. These leaders, who were all formally accredited as prominent delegates to the Inter- Sudanese Peace Talks on the conflict in Darfur or are known to the African Union Mission as political leaders and military commanders, expressed their support for the DPA and their determination to be bound by its provisions and to participate fully in its implementation. They also have undertaken to consult with their communities and explain the provisions of the Agreement faithfully to the people of Darfur, thereby enhancing the prospects for last peace in Darfur.

9. In view of the foregoing, and in light of the expiration of the deadline of 31 May 2006, Council may wish to formally recognize them as partners in peace, who may participate in the effective implementation of the DPA, and provide guidance on the modalities of their involvement in such a way that they are not given an equal status with the two signatories to the DPA.

d) **Implementation of the DPA**

10. Since 5 May 2006, there have been renewed waves of violence and anti DPA demonstrations, which, in some cases, turned tragic. The African Union Mission in the Sudan (AMIS), which is to coordinate most of the implementation effort, was suddenly faced with a spiral of hostilities. It was clear that some elements who were opposed to the DPA had taken the lead in mobilizing sections of Darfurians against the Agreement. The coincidental announcement of a reduction in the World Food Programme (WFP) food supply further fuelled demonstrations in the IDP camps, thus aggravating the situation. However, the

African Union, supported by the international partners, remained focused and determined not to allow these negative forces to jeopardize the landmark agreement.

11. The implementation and monitoring of the DPA is an onerous undertaking that requires enhanced logistics and effective mechanisms. In this context, the AU is already working closely with the international partners on the way forward and possible assistance. A number of them have since come up with concrete proposals and offers towards assisting the Commission to set up these mechanisms. The United Kingdom, the United States, Canada and Germany, in particular, have been forthcoming. The Netherlands has already organized, from 20 – 21 June 2006, in The Hague, a workshop for the Core Coordination Group (CCG) in preparation for the donors' conference provided for in the DPA, in order to consider the funding of the Darfur needs for post-conflict recovery, development and poverty eradication programme, as determined by the Joint Assessment Mission (JAM) under the leadership of the United Nations, the World Bank and the African Development Bank.

12. As decided by Council's meeting of 10 March 2006, the AU has to assume overall political leadership in the implementation process as well as in coordinating the various activities by the signatory parties, the international partners and all the stakeholders. In this connection, I have already instructed the establishment, within AMIS, of an Implementation Team, to coordinate the activities relating to the implementation of the DPA. At the level of the Headquarters, in Addis Ababa, a support team composed of a limited number of officers will soon be designated to liaise with AMIS and advise the Commissioner for Peace and Security on matters relating to the DPA implementation.

13. In view of the importance of the above undertaking, it is evident that the Commission has to immediately identify possible funding sources in order to secure the necessary commitments for the activities that are envisaged under the Agreement, including the establishment of the Preparatory Committee for the convening of the Darfur-Darfur Dialogue and Consultation (DDDC). In this regard, I have already tasked the Peace and Security Department to work out the necessary budgetary estimates and human resource requirements for the effective implementation of the DPA. I have also initiated consultations for the appointment of the Chairperson of the DDDC.

14. The Commission is also in constant contact with the Government of the Sudan, which has taken positive steps in setting up implementation teams, including security, political, humanitarian, legal and finance Committees. The Government of Sudan has also taken steps to make up the shortfall of WFP food supply to the IDP camps. The advanced team from Mr. Minawi's group of SLM/A has already arrived in Khartoum, and consultations have been undertaken to assist the team to establish itself and effectively engage in the implementation of the DPA.

15. My Special Representative in the Sudan has already met with a team from the World Bank in Khartoum, on 31 May 2006, during which the Bank offered to assist AMIS in the planning and the implementation of pertinent aspects of the DPA. Subsequently, AMIS

facilitated meetings between the World Bank team and Minni Minawi, in El Fasher. At that meeting, the World Bank team outlined the possible areas in which the Bank could assist his Movement, in particular in the field of capacity building, to participate fully and efficiently both in the different Commissions provided for in the DPA as well as in the planned Darfur Joint Assessment Mission (D-JAM).

16. Two of the critical mechanisms for the monitoring, reporting and adjucating of ceasefire violations are the Ceasefire Commission (CFC) and the Joint Commission (JC).Under the DPA, the CFC was restructured with sub commissions at sector level. The CFC is now chaired by the Force Commander, and has wide-ranging powers to deliberate and resolve complaints of violations and, where necessary, make recommendations to the JC for appropriate sanctions. The new reconfigured CFC was launched in El-Fasher, on 13 June 2006, in the presence of the Commissioner for Peace and Security and the UN Under Secretary-General for Peacekeeping Operations.

17. The JC, which has responsibilities to deliberate on the reports of the CFC and to take decisive action in relation to ceasefire violations, including publishing the identities of those responsible and recommending them for prosecution, held its first meeting in Addis Ababa, on 23 June 2006. The meeting, which was attended by the representatives of the signatories to the DPA and representatives of the international community, could not discuss substantive issues as the signatories to the DPA opposed the participation in the meeting by those who are not signatories to the DPA. The JC agreed that further consultations on the political and legal aspects involved were necessary. The JC, therefore, adjourned to facilitate these consultations, with a view to reconvening as soon as possible.

III. SECURITY SITUATION

18. The period immediately after the signing of the DPA was marked by a deterioration in the security and humanitarian situation on the ground.A pattern of negative propaganda and outright misrepresentation of the DPA was launched by those who are either against the Agreement or have refused to sign it. This is especially true within the IDP camps located in areas controlled by the SLM/A group led by Abdulwahid El Nour. Some of the recent attacks in the IDP camps were directed at AMIS personnel and infrastructure by elements that are against the Agreement.

19. Apart from the negative activities of the Movements that refused to sign the DPA, innocent civilians and their property have also been the target of armed militia who continue to attack villages in parts of Darfur. For instance, on 7 May 2006, armed men suspected to be Janjaweed attacked Abugaragel and surrounding villages, looting livestock and abducting some people, including women. The Janjaweed also attacked Labado village, killing some twenty people. Similar attacks were also carried out by armed militia along Menawashe-Shangil Tobaya road, on 14 May 2006, killing and raping women. Other gruesome attacks were launched in Graida and Khor Abeche areas in South Darfur, between 19 and 20 May

2006. These attacks resulted in an increase in the number of internally displaced persons (IDPs), in these areas.

20. There has also been an increase in acts of banditry against AMIS, NGOs, and their infrastructure. AMIS personnel are increasingly being prevented from investigating attacks or obstructed from carrying out their normal patrols, including on 8 and 9 May 2006, at Joghana and Debiis, in South and North Darfur States, respectively. On 26 May 2006, at Misteri, in West Darfur, an attack on AMIS patrol was perpetrated by unknown armed men. One AMIS personnel was killed in the attack, and three others sustained injuries. Two persons were arrested at the scene of the attack, but were later released after the intervention by the Government of Sudan. On 27 May 2006, the Military Group Site (MGS) of Misteria was attacked by an unidentified armed group, which fired 20 RPG rounds and destroyed several properties, including tents and vehicles. One military observer and five Protection Force troops sustained varying degrees of injuries. On 14 June, an AMIS patrol was held at Kagro, near the MGS of Sarton, in Sector 7, for seven hours, by elements of the SLM/A of Abdulwahid.

21. However, despite these attacks and other problems, the general security situation on the ground has improved somewhat since the signing of the DPA. Security incident between the parties have indeed declined.

IV. HUMANITARIAN SITUATION

22. The precarious security situation in Darfur, funding shortages, as well as the lack of rain in the past season, are all having negative impact on the provision of humanitarian assistance. It is important to note, as I have earlier indicated, that the recent decision by the WFP to cut food aid by 50% due to lack of funding, particularly to the IDPs, led to the further deterioration of the already delicate situation in Darfur. This turn of events could easily provoke greater violent action by IDPs against the AU and its personnel in Darfur. Certainly, the success of the DPA will depend very much not only on political action, but also on concrete humanitarian action that the international community and AMIS are able to take in the coming few weeks. The Darfur region is replete with opportunists, bandits and out-laws, who have moved into especially the IDP camps with their anti-DPA propaganda, and unless they are proactively countered, it will be very difficult to win the hearts and minds of the IDPs. Recent demonstrations, including those by the IDPs, were certainly not spontaneous, given the organised and coordinated manner in which they were conducted, with the display of similar banners and the chanting the same slogans.

23. However, I am glad to report that there have been renewed pledges from the donor countries and institutions to alleviate the shortage of food in the IDP camps. These countries and institutions include the USA, EU, Denmark, Canada, Australia and the Sudanese Government. Consequently, the WFP and other UN agencies announced that they would increase rations up to 84% of the minimum daily requirements. Should this assistance reach the IDPs in time, it will go a long way in quieting them as the rainy season approaches.

V. ALLEGATIONS OF SEXUAL MISCONDUCT OF AMIS PERSONNEL

24. I regret to report that the thereto exemplary conduct and scrupulous observance of high moral standard by AMIS personnel was slightly dented by a British television exposé in March 2006 of alleged sexual misconduct and abuse by some of the troops in the AMIS MGS at Graida, in South Darfur. I am, however, pleased to observe that the AMIS leadership reacted swiftly to contain this unacceptable and reprehensible development.

25. On the 16 April 2006, my Special Representative in the Sudan set up a six member independent Committee of Inquiry on which the UN and some NGOs were invited to serve. The Committee, which is chaired by the Director of Women, Gender and Development of the Commission, held extensive public hearings in Graida, El-Fasher and Khartoum, during which it heard from more than 70 witnesses, including all the alleged victims/survivors, senior officials of SLM/A who control Graida, and others. It also gathered many useful exhibits. I look forward to the report of the Committee and its recommendations.

26. I am pleased to report that the AMIS leadership has decided that whatever is the outcome of the inquiry, all cases of sexual misconduct and abuse will, henceforth, be viewed as command responsibility, in the sense that not only the perpetrators of proven cases, but also commanders involved will be held to account. I am confident that this measure and the full implementation of the approved recommendations of the Committee of Inquiry will stamp out in AMIS this reprehensible practice that has unfortunately affected so many other peacekeeping operations around the world.

VI. SITUATION ALONG THE CHAD/ SUDAN BORDER

27. The security situation along the Chad/Sudan border continue to be unstable. Chadian towns and villages were subjected to attacks by armed elements, resulting in fighting involving the Chadian armed forces and rebels and military deserters. On 4 May 2006, there was a reported battle between troops of the Chadian Government and Chadian rebels in Tine, Chad, which resulted in a large influx of refugees. The presence of Chadian opposition groups in West Darfur has also contributed to a further deterioration in the security environment. Increased incidents involving these groups have provoked further displacement of people in both Chad and Sudan, exacerbating humanitarian and security situation in the border areas. Armed elements have also continued to prey on AMIS and humanitarian agencies by highjacking vehicles and stealing communication equipments.

28. The Governments of Chad and Sudan continue to accuse each other of providing support to the rebel movements operating in their countries. It is against this background that I dispatched a fact-finding mission to Chad and Sudan to investigate these allegations. The mission report is being finalized.

29. It may be recalled that, following the signing of the Tripoli Agreement of 8 February 2006, it was decided to dispatch observers along the border. At its 51st meeting, Council

expressed concern at the deterioration of relations between Chad and Sudan and called on both countries to fully respect and implement their commitments as spelt out in the Tripoli Agreement. Council indicated that it looked forward to the early submission by the Commission of options on how to support the implementation of the Tripoli Agreement, including support by AMIS, as requested in the decision adopted at its 47th meeting held on 25 March 2006. It should also be added that the Libyan authorities have made repeated requests to the Commission for support to be provided to the Tripoli Agreement observers. The advance team of the observers has already arrived in El-Fasher, and initial discussions have taken place to determine the support AMIS could provide within its current mandate and capabilities. AMIS has agreed to provide support in the areas of logistic, airlift, catering and, as with the personnel of other international organisations, protection and security escorts. However, AMIS was unable to allow the use of its flags, armbands and other insignia, as this would amount to the integration of the observers into AMIS. With the envisaged strengthening of AMIS, it will be possible for the Mission to provide additional support, as required.

VII. ENHANCEMENT OF AMIS

30. Pursuant to Council's request for the submission to it of detailed proposals for the enhancement of AMIS in terms of additional troops, civilian police personnel, logistics and overall capacity, as well as a strengthened mandate necessary for the implementation of the DPA, I directed the Force Commander and the Civilian Police Commissioner, along with planners from the DITF, and working in close coordination with the United Nations and other partners, to assess AMIS tasks in the Agreement and force level required to carry out these tasks. The team, after thorough assessment of the new tasks of AMIS, developed Concepts of Operations (CONOPS) which provided for a force level of 10,500 military personnel and 2,200 civilian police elements. These proposals were submitted to the 6th meeting of the Military Staff Committee (MSC), held in Addis Ababa, on 23 June 2006. The MSC, in light of the tasks assigned to AMIS by the DPA as well as the request for AMIS to support the implementation of the Tripoli Agreement, considered that the proposed new strength was realistic, provided that appropriate operational enablers and more reliable sources of funding were secured.

31. In light of the above, the MSC recommended that the present AMIS troop strength be increased to 10,500 military personnel, with the appropriate civilian component, including up to 2,200 civilian police personnel, and with an enhanced command and control structure. Accordingly, it is proposed that the enhanced AMIS be composed as follows:

- **Military personnel**

Headquarter Staff	=	131 (including Force JOC)
Sector HQ Staff	=	135
Sector HQ Staff (MILOBs)	=	21 (7 per Sector)
MILOB Teams (85 teams)	=	850
Formed Troop (13 Battalions)	=	8,272
Force Reserve (Battalion Size)	=	680
Force HQ Company	=	196
EOD Section	=	10
Military Police	=	65
Engineer Company	=	100
Abeche Protection Force Platoon	=	40
Total	=	**10,500**

- **AMIS Police**

HQ Staff	=	77
Sector HQ Staff	=	66
CIVPOL Stations	=	299
Police Posts in IDP Camps	=	1,758
Total	=	**2,200**

32. The significant increase in personnel in both the military and police forces requires an important logistical support, including the construction of a substantial number of new military camps and civilian police posts.

33. The MSC also recommended that AMIS mandate be reviewed to include the following tasks:

a. provision of a secure environment for the implementation of all aspects of the DPA covering power sharing, wealth sharing and security arrangements;

b. protection of civilians, including women and children, under imminent threat within capabilities and resources;

c. monitoring and verification of the compliance of the parties to the DPA;

d. establishment and patrolling of Demilitarized Zones (DMZ) around IDP camps;

e. monitoring security in IDP camps;

f. identification, demilitarization and patrolling of humanitarian supply routes;

g. verification of locations of forces in Darfur;

h. identification, demilitarization and, where necessary, patrolling of nomadic migration routes;

i. mapping of areas of control of the parties, DMZ, demilitarized humanitarian supply routes and redeployment zones;

j. verification of the disarmament of the Janjaweed and other armed groups;

k. monitoring and verification of the withdrawal of long-range and crew-served weapons;

l. establishment of road blocks and check points along main supply routes;

m. establishment and patrolling of Buffer Zones;

n. establishment and protection of Logistics Coordinating Committee and Logistics Distribution Points/Centres;

o. establishment and protection of Assembly Sites where necessary;

p. supervision of the disarmament of former combatants;

q. ensuring security of arms collected from former combatants prior to destruction;

r. de-mining activities in conjunction with the UN and other relevant bodies;

s. assisting the parties, where necessary, in the forceful disarmament of armed elements or militias that impede the peace process;

t. monitoring of service delivery of GoS/Movement Police in their respective areas of control;

u. providing separate police counters to be staffed by police women;

v. assisting capacity building for community policing, including special investigations;

w. any other task(s) arising from the DPA.

34. I urge the Council to approve the proposed force level and adjustments to the mandate of the Mission. As indicated above, once these recommendations are approved, AMIS will be in

a position to provide some support to the observers deployed along the Chad/Sudan bord
as part of the implementation of the Tripoli Agreement.

VIII. PLEDGING CONFERENCE

35. As part of the efforts to strengthen AMIS during the transition and to enable it carry o
its additional responsibilities arising from the DPA, a pledging conference to mobilize t
appropriate logistical and financial requirements is scheduled, in Brussels, for 18 July, 200
At the conference, in which Member States and international partners are expected
participate, the Commission will present the logistical and financial needs based on the ne
CONOPS of AMIS.

36. The initial requirements of AMIS were estimated on the basis of the period of t
transition (1 April to 30 September 2006) as decided by Council. However, in view of the
inconclusive engagement with the GoS on the issue of a transition to the UN, and in view
the indications from the UN under the circumstances they will not be able to take over t
peace support operations before the end of the year, it was deemed prudent to present t
estimates of the financial requirements to cover the period up to 31st December 2006
wish to note that in addition to the significant logistical requirements expected to be provid
in kind, the total financial requirements for the extended period amount to abo
US$425 million.

IX. UN/AU JOINT ASSESSMENT MISSION

37. Council will recall that, at its meeting of 15 May 2006, it decided that, in view of t
signing of the DPA, concrete steps should be taken to effect the transition from AMIS to a U
peacekeeping operation in Darfur. Council further urged the UN and the Government
National Unity (GoNU) to engage in consultations in order to ensure the commencement
the UN operation in Darfur at the earliest possible time. On 16 May 2006, the UN Secur
Council adopted resolution 1679 (2006) which sought to accelerate planning for a U
peacekeeping operation in Darfur and the deployment of a joint AU/UN technic
assessment team to Sudan within seven days. The resolution also called on the parties
the DPA to work closely with the African Union, the United Nations and regional a
international organizations in that regard.

38. I briefed Council at its meeting of 15 May 2006 about my consultations with the U
Secretary-General, in New York, in March 2006, and the follow up meeting held in Add
Ababa between UN and AU officials in the context of the Council's and the UN Secur
Council's decisions on transition and the partnership between the two organizations. Bo
organizations agreed, at that meeting, to set up mechanisms to ensure joint planning for t
transition. These cooperation mechanisms have been set up between AMIS and UNMIS
Khartoum and El Fasher, and the UN has undertaken to provide some assistance towar
strengthening AMIS.

39. As a follow up to those decisions and consultations, a Special Envoy of the UN Secretary-General, Lakhdar Brahimi, accompanied by Hedi Annabi, Assistant Secretary-General for Peacekeeping Operations, arrived in Khartoum, in mid-May 2006, where he consulted with senior Government officials, including President El Bashir and first Vice-President Salva Kiir, as well as the Speaker of the National Assembly, Ahmed El Tahir, and Foreign Affairs Minister, Lam Akol, on the role the UN could play in the implementation of the DPA, including the envisaged transition from AMIS to a UN peacekeeping operation in Darfur. The Special Envoy also met with my Special Representative in the Sudan. At the end of these consultations, it was agreed that the UN and the AU should send a joint assessment team to Sudan as soon as possible.

40. Pursuant to the agreement between the Government and Lakhdar Brahimi, the UN and AU undertook a joint assessment mission to Sudan from 9 to 21 June 2006, with a twofold objective: to assess the requirements of strengthening AMIS in order to enable it perform the additional tasks assigned to it by the DPA, and to examine the requirements for a possible transition from AMIS to a UN peacekeeping operation. The mission led by the United Nations Under Secretary General for Peacekeeping Operations, Jean-Marie Guéhenno, and the Commissioner for Peace and Security, Said Djinnit, first met in Addis Ababa on 8 June 2006, before proceeding to Khartoum and Darfur, with a view to defining and coordinating the parameters of their activities in Sudan.

41. In Khartoum, the joint assessment mission held a wide range of consultations with Government Ministers and senior officials, and also met with members of the diplomatic corps, senior UN officials, local and international NGOs, as well as other stakeholders. Thereafter, the mission visited the three Darfur States, from 13 to 17 June 2006. It also traveled to N'djamena to meet with President Idriss Deby Itno of Chad. At the same time, four joint multi-disciplinary technical teams were dispatched to El Fasher, Nyala, El Geneina and Zalingie, in Darfur.

42. Following these visits, the mission returned to Khartoum to brief the Sudanese authorities on its findings. In this regard, it met, on 21 June, in a joint meeting, with the Sudanese Foreign and Interior Ministers, a representative of the Minister of Defense and other senior political and military officials. On 22 June 2006, the mission presented its findings and recommendations to President Omar Hassan El Bashir as follows:

"*Pursuant to the agreement between the Government of Sudan and Mr. Lakhadar Brahimi, the UN and the AU undertook a joint assessment mission to Sudan, from 9 to 21 June, in order to assess the requirements of strengthening AMIS and the possible transition to a United Nations operation in Darfur.*

The assessment mission is grateful to the Government of National Unity for its assistance in facilitating meetings with Government officials, as well as security arrangements made during the visit.

In its activities, the assessment mission has proceeded from the premise that
planning assessment would be undertaken without prejudice to any decisions th
Government of National Unity, the AU, and the UN may take on the issues outlined below.

The assessment mission begun its consultations in Khartoum with meetings wi
Government officials and other stakeholders, and then travelled to the three Darfur states f
wide consultations with Government officials, tribal leaders, rebel movements, civil societ
internally-displaced persons and war-affected civilians, humanitarian organizations, an
many others. The members of the team also had extensive internal meetings with AMIS an
UN Staff in Darfur. In addition, the team also made a brief visit to N'djamena to mee
President Déby.

While the assessment mission was in Darfur, on 13 June, AMIS officially inaugurated –
the presence of Commissioner Djinnit and Under-Secretary-General Guéhenno – the Ceasefi
Commission, which is provided for in the DPA.

In the meantime, four joint AU/UN multi-disciplinary teams were dispatched to Darfu
in order to carry out fact-finding activities. These teams spent almost two weeks in th
region, and were comprised of specialists in the areas of humanitarian affairs, recovery an
rehabilitation, human rights, civil affairs, disarmament and demobilization, logistics, milita
and police planning, gender issues and many others.

Based on wide-ranging consultations and information obtained during the visit, th
assessment mission has developed the joint findings described below.

The joint mission was informed of the deep-rooted and violent nature of the conflict
Darfur, and its complex and fragmented dimension. It also observed an extreme level
polarization among major population groups, compounded by acute poverty and lack
development. At the same time, it noted that the situation in Darfur was fluid and dynamic.

Tragedy in Darfur runs deep, with serious underlying causes, including competition fo
diminishing natural resources, marginalization, tribal rivalries, and grave violations of huma
rights resulting in massive displacement. It is incumbent on all concerned – th
Government, other parties, and the international community – UN and the AU – to do the
utmost to find a lasting, viable solution to the crisis.

At the same time, the mission attested to the contribution which AMIS has made
addressing the crisis.

Most Government interlocutors stressed that the situation was improving and th
efforts to implement the DPA were ongoing. Government representatives as well as som
Arab tribal leaders presented to the assessment mission a uniform message, emphasizin
the need to strengthen AMIS, objecting to the transfer of peacekeeping responsibility to th
UN, and appealing to the UN to provide logistical and financial support to AMIS. Som

officials, including in Khartoum, warned about the possible negative consequences of the deployment of a UN force. At the same time, Government officials stressed the need to pressure non-signatories of the DPA to join the Agreement without preconditions.

Leaders from IDP camps, civil society groups, opposition parties, and humanitarian organizations expressed their grave concerns about the security situation and continuing human rights violations. They demanded strongly the earliest transition to a UN operation and the urgent increase in humanitarian access and assistance. They also voiced serious misgivings about some provisions of the DPA and the effectiveness of the protection provided by AMIS.

Some political and military leaders of the parties who had not signed the Agreement shared with the assessment mission their intention to observe the ceasefire and their readiness to pursue contacts in order to join the DPA, if supplementary provisions are made. Other groups have signed the Declaration of Commitment to the DPA.

The assessment team has found that the situation on the ground had improved slightly in some areas after the signing of the DPA, while serious violence continued in others.

Attacks by armed militias against each other, as well as Janjaweed on the civilian populations continue, resulting in further displacement, and criminality and banditry are rampant. At the same time, the assessment team noted security problems in camps, due to tensions between supporters and opponents to the DPA.

The almost open presence of Chadian armed groups in West Darfur has also contributed to the grave deterioration of the security environment. The assessment team was also informed about the presence of Sudanese armed elements in Chad, and their recruitment activities in the refugee camps. There were mutual accusations of cross-border incursions.

Armed elements were continuing to prey on humanitarian agencies, reducing their access to vulnerable populations, as well as on AMIS, whose movements were curtailed by both Government restrictions and its logistical/operational limitations.

The implementation of the DPA will clearly face immense challenges, and a coordinated, multi-faceted effort will be required for the implementation of the Agreement and the final resolution of the crisis. The assessment mission found that the most immediate measure should involve strengthening AMIS, in order to ensure its robust mandate and resources to protect civilians and IDPs, create an environment where people can start returning to their homes. At the same time, however, the assessment mission is aware that the return of such large numbers of displaced persons will be a very difficult and lengthy process.

The new AMIS concept of operations (CONOPS) has been adapted to address two priorities – the protection of civilians and the prevention of human rights abuses – as well as all other tasks envisaged for AMIS in the DPA. The enhanced CONOPS would also provide for more patrol coverage of the Sudan-Chad border areas. The mission's logistical and management capacity should be strengthened. In the meantime, all preparations for the pledging conference to generate additional resources should be expedited and finalized.

The assessment Mission agreed to recommend adopting a unified plan for a transition to the United Nations operation, pursuant to the decisions of the African Union and the Security Council. This transition plan would involve, in the interim, strengthening, through the United Nations, the command and control capacity of AMIS, building a reliable communications system, enhancing AMIS mobility, and the provision of engineering capabilities. Accordingly, the UN presence in the region should be strengthened considerably, with a significant number of United Nations staff fully dedicated to supporting AMIS.

In this regard, the assessment mission will be prepared to recommend that the leadership of the two Organizations that the Secretary-General of the United Nations seek appropriate authorization for this unprecedented proposal.

With regard to the United Nations Security Council and the African Union Peace and Security Council decisions on transition, the technical assessment mission is suggesting, without prejudice to any future decisions of the Government of National Unity, the African Union, and the United Nations Security Council, that the Secretary-General consider recommending the expansion of UNMIS in the Darfur region. The new tasks for the mission would be defined by the DPA and elements for resolution 1590 (2005) and would be built around four pillars:

- Support to the peace process and good offices, including support to the major bodies of the DPA, Darfur-Darfur Dialogue and Consultation, promotion of accurate understanding of the agreement;
- Governance and the rule of law, to include assistance with regard to the issue of resources, reconstruction plans, and agreements on land, as well as capacity building, mentoring, and monitoring the performance of the police;
- Humanitarian assistance, recovery and reintegration, including assistance in implementing plans and mobilizing resources and support for the recovery and development requirements of the region;
- Security: The expanded mission would assume all responsibilities assigned to AMIS by the DPA, which may remain outstanding; it would assist in monitoring and verifying security arrangements, and patrol the zones, through the deployment of UN police and military. The security aspect would envisage

protecting civilians under imminent threat and deter spoilers as well as assist in conducting DDR. Due attention will also be given to the border areas.

Accordingly, there should be a larger, multi-dimensional, and integrated United Nations operation to succeed AMIS. In the area of security, the assessment mission identified the need for a larger, robust and mobile force, based on a divisional configuration, including three brigade sectors, each containing 3 – 5 infantry battalions, as well as a considerable number of military observers and air assets, together with various enabling capabilities – engineering, communications, transport, and others.

With regard to the police, the expanded UNMIS operation would build on the enhanced AMIS civilian police concept, concentrating around mentoring/advising, training, capacity-building, protection and monitoring, for which a significant number of various UN police elements would be required.

The assessment mission is recommending that the above activities be complemented by the continuation of the massive international humanitarian effort, in addition to the assistance which is expected to be provided by the Government of Sudan, as well as by expanded recovery activities. The envisaged international donor conference will be a major step in mobilizing resources for a post-conflict economic recovery, development, and poverty eradication program in Darfur, whose requirements are being identified by the Joint Assessment Mission provided for in the DPA.

The joint assessment mission recognized the need for considerable domestic and international effort to allocate resources to recovery and development in Darfur.

The assessment mission renewed the shared commitment of the United Nations and the African Union to contribute to the alleviation of the plight of the suffering people in Darfur, the restoration of security and the process of reconciliation in Darfur, as well as the consolidation of a lasting peace in Sudan as a whole, with due respect for the sovereignty and territorial integrity of the country."

43. The President and other high ranking officials that the Mission met stated that Sudan welcomed the role of the UN in the peace process in Darfur, through their continued involvement in humanitarian, recovery and other post-conflict activities. They all expressed their categorical rejection of a transition from AMIS to a UN operation. However, they advocated for the strengthening of AMIS and called on the UN to rather support the AU in this respect. The position of the Government of Sudan was reiterated to me by President El Bashir when we met in Khartoum at the end of my visit to Darfur from 20 to 22 June 2006.

X. OBSERVATIONS AND RECOMMENDATIONS

44. The DPA has given rise to both an opportunity and a challenge in security and political terms. It has brought about a realignment cutting across all Movements on the basis of

support or opposition to the Agreement. Indeed, while some important leaders of Abdulwahid's SLM/A and some followers of JEM have lined up behind the DPA, some of Minni Minawi's followers equally ranged themselves against the Agreement.

45. Of greater significance is the widespread opposition to the DPA within the IDP camps. The common dissatisfaction of the IDPs concerns the provisions on compensation and security which they consider inadequate. This dissatisfaction is expressed through attacks on AMIS personnel and property and their growing doubts about the capacity of AMIS to protect them and their call for a speedy deployment of a UN force.

46. Apart from these concerns, which are generally regarded by the international community as being legitimate, the leadership of the movements, particularly the Abdulwahid group, who opposed the DPA were effective in their distorted anti-DPA campaign amongst the IDPs. As a result of the tension thus created, AMIS was forced to curtail its services, especially the civilian police presence in the camps. These actions, as well as the fact that the DPA which was negotiated by four of the Sudanese parties, but eventually signed by only two of them, have combined to slow down the smooth implementation process.

47. It was against this background that the UN/AU joint assessment mission visited Khartoum and Darfur and submitted its findings on the strengthening of AMIS during the transition and the requirements for a possible transition from AMIS to a UN peace-keeping operation.

48. This session of the PSC is expected to address, among others, the following issues with a view to guiding the peace efforts of the AU and the international community as a whole:

a) It is important to reaffirm the relevance of the DPA as a viable framework to forge peace and reconciliation in Darfur. While the recent concerns of civilians in general and IDP's in particular, as well as the latter's concerns on compensation deserve attention, it should be understood that there is no alternative to the DPA and that the continued opposition to it by the SLM/A and JEM leaders should not be tolerated, particularly in view of its political and security consequences on the ground and the relevant decision of Council of 15 May 2006 which was supported by the United Nations Security Council.

b) There is a need to recognize the groups that have signed the Declaration of Commitment to the DPA as partners in its implementation with the consent and cooperation of the signatories.

c) It is urgent that the signatories to the DPA meet at the highest level with the AU and other stakeholders to activate the implementation of the DPA and launch the priority activities, such as publicizing the DPA, establishing the critical

mechanisms and Commissions, especially those aimed at creating confidence and security, and preparing for the DDDC.

d) The attention of Council is drawn to the activities of the Movements which are opposed to the DPA including attacks against SLM/A (Minni Minawi) aimed at undermining his position on the ground. Council may wish to impose sanctions against those who are either obstructing the implementation of the DPA or violating the Comprehensive Ceasefire Agreement, as decided at its meeting of 15 May 2006, and seek United Nations Security Council support. The Chairperson of the Joint Commission is to provide the required information to that effect.

e) Council should consider the plan for the strengthening of AMIS during the transition, especially the new CONOPS, mandate and the logistical and financial estimates, in the light of the position of the Government of the Sudan on the issue of the transition from AMIS to a UN operation.

f) Council may wish to urge Member States and the international partners to participate actively in the Pledging Conference scheduled to be held in Brussels, in July 2006, and make concrete contributions towards assisting AMIS.

g) In addition, Member States which are in position to do so should be encouraged to second qualified civilian, military and police personnel to strengthen the administrative, financial, command and control and the general management capacity of AMIS.

h) The deteriorating relations between Chad and Sudan continue to impact negatively on the security situation in the border areas and contribute to hampering the effective implementation of the DPA on the ground. This requires the engagement of the AU at the highest leadership level.

Annex II to the letter dated 28 June 2006 from the Permanent Representative of the Congo to the United Nations addressed to the President of the Security Council

[Original: English and French]

Communiqué of the Peace and Security Council at its 58th meeting*

The Peace and Security Council (PSC) of the African Union (AU), at its 58th meeting, held at ministerial level, on 27 June 2006, in Banjul, The Gambia, adopted the following decision on the situation in Darfur:

Council,

1. **Takes note** of the report of the Chairperson of the Commission on the situation in Darfur [PSC/MIN/2(LVIII)];

2. **Urges** the signatory parties to the Darfur Peace Agreement (DPA) to fully honor their commitments and to take all required measures to that effect, including refraining from attacks and violations of the comprehensive ceasefire, restraining allied armed militia, releasing detainees and child soldiers, and initiating joint activities regarding the implementation of the DPA;

3. **Takes note** of the steps already taken by the Chairperson of the Commission towards the implementation of the DPA, including the establishment of an implementation team within the African Union Mission in the Sudan (AMIS) and of a support team at the AU Headquarters. Council **welcomes** the offers made by AU partners to assist the Commission and the parties in the implementation process of the DPA;

4. **Welcomes** the launching of the activities of both the restructured Ceasefire Commission, in El-Fasher, on 13 June 2006, as well as of the Joint Commission, in Addis Ababa, on 23 June 2006. Council **stresses** the need to conclude, in consultation with all stakeholders, the modalities for their effective functioning;

5. **Welcomes further** the signing by several political leaders, military commanders and other groups from the Sudan Liberation Movement/Army (SLM/A) of Abdulwahid El Nour and the Justice and Equality Movement (JEM) of Khalil Ibrahim of a Declaration of Commitment to the DPA and their pledge to fully cooperate in the implementation of its provisions. Council **recognizes** them as partners in the peace process and **requests** the Commission, working closely with the signatory parties to the DPA, to develop practical modalities for their effective involvement;

* PSC/MIN/Comm(LVIII).

6. **Expresses** concern at the activities spearheaded, from within Darfur and outside, by the leadership of the SLM/A of Abdulwahid El Nour and the JEM of Khalil Ibrahim and their followers to undermine the DPA;

7. **Decides** to impose targeted measures, including travel ban and assets freeze, against all persons or groups undermining the DPA, obstructing its implementation, or violating the Comprehensive Ceasefire;

8. **Requests** that the Chairperson of the Commission establishes the list of all such persons or groups, in consultation with the Joint Commission and all other stakeholders, and communicate the same to all Member States, as well as to other relevant members of the international community, including, in particular, the UN Security Council, which, in its resolution 1679 (2006) of 16 May 2006, expressed its intention to consider taking, including in response to a request by the African Union, strong and effective measures, such as a travel ban and assets freeze, against any individual or group that violates or attempts to block the implementation of the DPA;

9. **Takes note** of the outcome of the UN/AU joint technical assessment mission that visited the Sudan and Chad from 9 to 22 June 2006 and the position of the Government of Sudan rejecting the proposed transition from AMIS to a UN peacekeeping operation;

10. **Reaffirms** its decisions of 10 March and 15 May 2006 on ending the mandate of AMIS by 30 September 2006 and on the transition from AMIS to a UN peacekeeping operation. In this regard, Council **expresses** its readiness to review the mandate of AMIS in the event that the ongoing consultations between the Government of the Sudan and the United Nations conclude on an agreement for a transition to a UN peacekeeping operation;

11. **Takes note** of the new AMIS Concept of Operations (CONOPS) proposed by the Chairperson of the Commission and recommended by the Military Staff Committee at its meeting of 23 June 2006, and **decides** to consider it at the appropriate time, in the light of any decision on a transition to the UN and the availability of logistical and financial support. In the interim, Council **approves** the additional tasks and the new mandate of AMIS, including the protection of civilians within existing strength and capacity, as proposed in the CONOPS;

12. **Welcomes** the convening in Brussels, on 18 July 2006, of a pledging conference to mobilize the necessary financial and logistical resources for the sustenance of AMIS from 1 April to 30 September 2006. Council **urges** the AU partners to provide on that occasion the requisite support and **further urges** all Member States to attend the conference and to make their own contributions in support of AMIS, including by seconding, at their own expenses, qualified personnel to the Mission;

13. **Reiterates its strong condemnation** of all human rights violation in Darfur, including gender based violence;

14. **Appeals** to the Member States and the international community at large to provid increased humanitarian assistance to the affected people in Darfur and to the refugees Chad;

15. **Decides** to remain seized of the matter.